

2/16/22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELAINE EISENBERG, et al.,

Plaintiffs,

**ORDER**

-against-

20 Civ. 2488 (PED)

GOLD FLOWERS DESIGN, et al.,

Defendants.

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On July 2, 2021, Judge Halpern entered a default judgment as to liability against defendant The Mansion at Lawrence, LLC (Dkt. #38) and referred this matter to me to conduct an inquest concerning plaintiffs' damages. (Dkt. #39). On July 16, 2021, I issued a Scheduling Order (Dkt. #40) directing plaintiff to file proposed findings of fact and conclusions of law by August 27, 2021 and directing defendant to submit any responsive materials by September 17, 2021. The Scheduling Order also stated that plaintiffs' submission must contain a statement of the exact dollar amount(s) being sought and should demonstrate how plaintiffs arrived at the proposed figure(s). Dkt. #40, ¶¶ 1-2. Plaintiffs timely filed Proposed Findings of Fact and Conclusions of Law (Dkt. #42); to date, defendant has not filed any opposition or contacted the Court in any way.

Preliminary review of plaintiffs' submission reveals: (1) plaintiff Elaine Eisenberg seeks an award of \$175,000 for pain and suffering; and (2) plaintiff Douglas Eisenberg seeks an award of \$7,500 on his spousal derivative claim for loss of services. Dkt. #42, ¶40. "The assessment of damages following entry of a default judgment in a diversity action is governed by state law standards." *Norcia v. Dieber's Castle Tavern, Ltd.*, 980 F. Supp.2d 492, 500 (S.D.N.Y. 2013)

(quotation marks and citation omitted). “Under New York law . . . courts look to approved awards in similar cases as guideposts in fashioning appropriate damage awards.” *Id.* at 500-01 (quotation marks and citation omitted). Here, however, plaintiffs do not cite any case law to substantiate the amount of their requested damages.

Accordingly, plaintiffs are directed to file a supplemental submission setting forth comparable approved awards from similar cases by March 9, 2022. Plaintiffs shall serve a copy of this Order on defendant The Mansion at Lawrence, LLC, and shall file an affidavit of service.

Dated: February 16, 2022  
White Plains, New York

**SO ORDERED.**  
  
PAUL E. DAVISON, U.S.M.J.